

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 22-81256-CV-MIDDLEBROOKS

AFFORDABLE AERIAL PHOTOGRAPHY, INC.,

Plaintiff,

v.

WC REALTY GROUP, INC. d/b/a  
CENTURY 21 WC REALTY,

Defendant.

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**ORDER ON MOTION FOR ATTORNEY'S FEES**

THIS CAUSE comes before the Court upon Defendant WC Realty Group, Inc.'s Motion for Attorney's Fees, filed on December 23, 2022 (DE 29). The motion is fully briefed. (DE 37, DE 38, DE 41). For the reasons set forth below, the motion is denied.

On August 11, 2022, Plaintiff filed this action for copyright infringement against Defendants Joris C. Reyes and WC Realty Group, Inc., based upon Defendants' alleged uploading of images to an MLS listing. (DE 1). The case moved swiftly. Defendant Reyes filed an Answer (DE 10), and then on September 29th Plaintiff and Defendant Reyes notified the Court that they had settled (DE 12). Plaintiff voluntarily dismissed Defendant Reyes on October 7th. (DE 14).

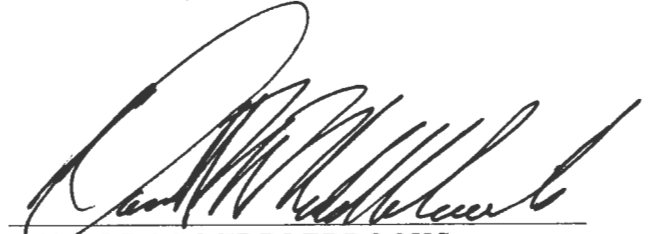
Defendant WC Realty filed a Motion to Dismiss (DE 11), and Plaintiff filed an Amended Complaint on October 11, 2022 (DE 18). Defendant moved to dismiss the Amended Complaint on October 14, 2022 (DE 22). Then on October 18, 2022, Plaintiff voluntarily dismissed Defendant WC Realty. (DE 23).

Now Defendant WC Realty claims to be entitled to prevailing party attorney's fees. (DE 29). I have carefully considered the written submissions of the Parties, the record, and applicable

law. This case ended with the filing of a voluntary dismissal with prejudice less than two months after the case was filed, only days after a motion to dismiss the Amended Complaint. (DE 23). In support of its request for fees, Defendant points to deficiencies in the allegations and suggests that Plaintiff knew that its allegations lacked factual support. (DE 29 at 14-15). But in dismissing the case I made no determination as to the validity of the Amended Complaint. The fee litigation has surpassed, both in tone and expenditure of resources, the effort spent prior to dismissal. An award of fees here would not advance the purposes of Section 505 of the Copyright Act.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant WC Realty's Motion for Attorney's Fees (DE 29) is **DENIED**.

**SIGNED** in Chambers at West Palm Beach, Florida, this 6 day of April, 2023.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE